

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEVON HUNTER,

Plaintiff,

vs

9:03-CV-55

GEORGE DUNCAN, Superintendent, et al,

Defendants.

APPEARANCES:

OF COUNSEL:

DEVON HUNTER
Plaintiff, Pro Se

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

KATE H. NEPVEU, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated July 25, 2005, the Honorable Gustave J. DiBianco, United States Magistrate Judge, among other things, recommended that the defendants' motion for summary judgment be granted and the complaint be dismissed in its entirety as to all defendants. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment is GRANTED;
2. The complaint is DISMISSED in its entirety as to all defendants.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 8, 2005
Utica, New York.